

JUL 09 2007

005/007

Serial No. 10/759,838
Page 2 of 4**REMARKS**

Claims 1-10 are pending in the application.

Claims 1, 4, and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,137,604 to Bergano; claims 6, 8, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergano; claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergano in view of U.S. Patent Application Publication No. 2002/0149818 to Tomofuji et al. (I); claims 3 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergano in view of International Patent Application Publication No. WO 02/30026 to Tomofuji et al. (II); and claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergano in view of U.S. Patent Application Publication No. 2002/0196520 to Marom et al. Applicants respectfully traverse the rejections.

The Examiner relied upon an illustration of a wavelength-division-multiplexed signal dispersion compensator in Fig. 3 of Bergano as alleged disclosure of the claimed invention. In particular, the Examiner relied upon the description of a wavelength routing device 303 as alleged disclosure of the claimed wavelength-selective optical switching unit. The cited portions of Bergano only include, however, description and illustration of a passive device that is a functional equivalent to a splitter plus an optical filter. Indeed, col. 5, lines 1-5 of Bergano includes description of the functional equivalency of wavelength routing device 303 with optical splitter 203 described therein. And such portion of Bergano refers to U.S. Patent Nos. 5,002,350 and 5,412,744 for further description of wavelength routing device 303, which patents only include description of techniques of arranging predetermined output waveguides for particular wavelengths. Thus, Bergano, as cited and relied upon by the Examiner, fails to disclose the claimed feature of switching routes of demultiplexed wavelengths leading to the output ports.

84227666_1

Serial No. 10/759,838

Page 3 of 4

In other words, Bergano, as relied upon by the Examiner, fails to disclose,

“[a]n apparatus for compensating for dispersion, comprising:

a wavelength-selective optical switching unit which receives at one input port thereof a signal into which a plurality of wavelengths are multiplexed, and demultiplexes the signal so as to output the demultiplexed wavelengths at desired output ports while switching routes of the demultiplexed wavelengths leading to the output ports;

a plurality of dispersion compensation units which are connected to the respective output ports, and have respective, different dispersion values; and

a multiplexing unit which receives at a plurality of input ports thereof the demultiplexed wavelengths output from said dispersion compensation units, and multiplexes the demultiplexed wavelengths to generate a signal,” as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 5-6 dependent therefrom, is patentable over Bergano for at least the above-stated reasons. Claims 4 and 8 incorporate features that correspond to those of claim 1 cited above, and are, therefore, together with claim 10 dependent from claim 8, patentable over Bergano for at least the same reasons. The Examiner relied upon Tomofuji et al. (I), Tomofuji et al. (II), and Marom et al. as combining references to specifically address additional features recited in claims 2-3, 7, and 9, respectively, which all depend from claim 1. As such, the additions of these references would still have failed to cure the above-described deficiencies of Bergano, even assuming, arguendo, that such additions would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claims 2-3, 7 and 9, which depend from claim 1, are patentable over the cited references for at least the foregoing reasons.

84227666_1

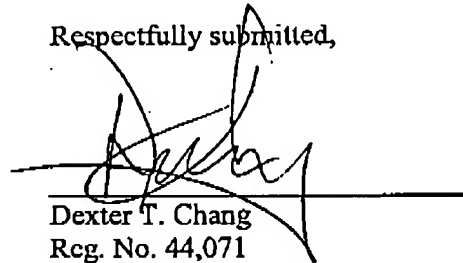
Serial No. 10/759,838

Page 4 of 4

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
Docket No.: 100794-00538 (FUJI 20.881)
DTC:kc

84227666_1